REMARKS

Claims 1 – 8 are pending and under consideration in the above-identified application.

In the Office Action, Claims 1 – 8 were rejected.

In this Amendment, Claims 1, 7 and 8 are amended. No new matter has been introduced as a result of this Amendment.

Accordingly, Claims 1 – 8 remain at issue.

I. 35 U.S.C. § 102 Anticipation Rejection of Claims

Claims 1, 4, 7 and 8 were rejected under 35 U.S.C. § 102(e) as being anticipated by Tracton (U.S. Patent No. 6,470,378). Although Applicant respectfully traverses this rejection, Claims 1, 7 and 8 have been amended to clarify the invention and remove any ambiguities that may have been at the basis of this claim rejection.

Claim 1 is directed to an information processing system for distributing content to another device via a network. The information processing system comprises first receiving unit configured to receive from the another device, via the network, an initial communication *containing* information that identifies an application *predetermined by the another device prior to said initial communication* via which the content can be accessed, content identifying information and format identifying information, reading unit configured to retrieve from storage the content based on the content identifying information included in the information received by the first receiving unit, format converting unit configured to convert the content retrieved by the reading unit into data in a predetermined format based on the format identifying information included in the *received* information; and distributing unit configured to distribute the data in the predetermined format from the format converting unit to the *another* device via the network.

Thus, the another device predetermines an application via which a content is to be requested for access via the network, and in an initial communication provides to the first receiving unit information about the application predetermined prior to said initial communication to be utilized for providing the requested content, as well as content identifying information and format identifying information.

In contrast, as the Examiner pointed out Tracton states that (emphasis added):

> "When a client contacts the server, and selects an item on a web page corresponding to the presentation, it is preferable that the server ensure that the client can realistically retrieve and display the selected information. Determining which source content to make available to the client is a somewhat complex task. *Traditionally, servers notify the client of available sources 122, 124, 126, and the client is made responsible for selecting an appropriate source.* Typically, *the client is prompted to choose according to the speed of the client's network connection 114 to the Internet.* In the context of web browsers (client network application 112) and web servers 118, choices are presented by web links to the different sources 122, 124, 126.

See column 4, lines 50 – 62, and that:

> "When a client contacts a server, the server's web server receives a connection request 160. *In response to the connection request, the server (typically) sends 162 the client HTML formatted data. Embedded within this data are programming instructions to cause the client to create a characteristic profile containing the client's processing ability and network configuration, and to send the profile to the server.* So, when the browser receives 166 the instructions, it processes 168 the embedded instructions, which in turn call routines built into the browser. Note that security models imposed on processing Internet data generally prevent web browsers from directly executing code received from a server. Thus, it is required that the data (e.g., JavaScript code) call known to be safe built-in routines. In alternate non-browser contexts, or when security is disabled, this two-tiered approach may not be necessary, and the code may be directly executed.
>
> Thus, *after executing the code, and the desired client data retrieved 168, a client characteristic profile is generated 170. This profile is then sent 172 to the server. In one embodiment, the client data includes detailed information about the client architecture and network configuration.* For example, the profile can include processor data such as number of processors, speeds, types, cache and memory management, stepping, special-purpose instructions (e.g., 2D/3D rendering support, or high-end mathematics), as well as network theoretical-speed, actual-throughput, type (e.g., TCP/IP, IPX, AppleTalk), routing data, firewall latency, etc. *On receipt of this data, the server can appropriately scale 174 the original source content according to client capabilities, network speed, and other abilities/restrictions indicated in the profile.* The scaled content is then sent 176 to the client. However, there are circumstances where a server might not want to dynamically scale data, and instead wants to direct the client to certain web locations depending on the client's characteristic profile."

See Column 5, lines 30 – 65. Thus, in Tracton in response to the connection request (upon initial contact), from the client (another device) the server (information processing system) sends the another device HTML formatted data. Embedded within this data are programming instructions

to cause the another device to create a characteristic profile containing the another device processing ability and network configuration, and to send the profile to the information processing system. Once generated, the another device characteristic profile is then sent to the information processing system. On receipt of this data, the information processing system can appropriately scale the original source content according to the another device capabilities, network speed, and other abilities/restrictions indicated in the profile. That is, Tracton requires that in response to an initial communication from the another device the information processing system determines, based on the characteristic profile generated and provided by the another device, which application(s) can be used by the another device to access the another device requested content, and subsequently provides the requested content to the another device after scaling the original source content according to the another device capabilities.

Hence, Tracton fails to teach or suggest that the another device predetermines which application to be used for accessing a requested content from the information processing system prior to an initial communication with the information processing system, and communicates information about the predetermined application during the initial communication with information processing system, as well as about content identifying information and format identifying information.

As such, Applicant respectfully submits that Tracton fails to teach or suggest every element and limitation of Claim 1. Thus, Claim 1 is patentable over Tracton, as are dependent Claims 2 – 6 for at least the same reasons.

Claims 7 and 8 recite the same distinguishing limitation as that of Claim 1. Thus, Claims 7 and 8 are also patentable over Tracton.

Accordingly, Applicant respectfully requests that the 35 U.S.C. § 102 (e) rejection of claims be withdrawn.

II. 35 U.S.C. § 103 Obviousness Rejection of Claims

Claims 2, 3, 5 and 6 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Tracton in view of Shan-Nazaroff (U.S. Patent No. 6,157,377). Applicant respectfully traverses this rejection.

Claims 2, 3, 5, and 6 are dependent on Claim 1, shown above to be patentable over Tracton. Moreover, in addition to Tracton, Shan-Nazaroff also fails to teach or suggest that the first receiving unit is configured to receive from the another device, via the network, an initial communication containing information that identifies an application predetermined by the another device prior to the initial communication via which the content can be accessed, content identifying information and format identifying information.

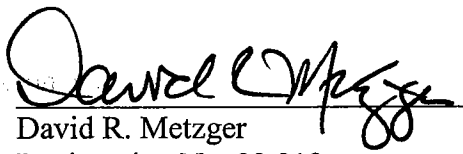
Thus, Claim 1 is patentable over Tracton and Shan-Nazaroff, taken singly or in combination with each other, as are dependent Claims 2, 3, 5, and 6 for at least the same reasons.

Accordingly, Applicant respectfully requests that the 35 U.S.C. § 103(a) rejection of claims be withdrawn.

III. Conclusion

In view of the above amendments and remarks, Applicant submits that Claims 1 – 8 are clearly allowable over the cited prior art, and respectfully requests early and favorable notification to that effect.

Respectfully submitted,

Dated: Oct. 9, 2007 By: 

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